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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,724	06/18/2001	Bruno Richard	B-4215 618883-0	2443
22879	7590	07/21/2006	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			KISS, ERIC B	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/663,724	Applicant(s) RICHARD ET AL.	
	Examiner Eric B. Kiss	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The reply filed April 26, 2006, has been received and entered. Claims 1-9 are pending.

Response to Arguments

2. Applicant's arguments filed April 26, 2006, have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., employing a low level service that resides on a remote server and using a dedicated service downloaded from a server to install each particular software package) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further, the examiner maintains that the Delo system permits the automatic launching of a local setup procedure in accordance with the contents of a description file (for example, the managed software installer disclosed by Delo enables the install-on-demand of applications to client workstations in accordance with the advertise script, which establishes; see, e.g., col. 8, lines 41-59).

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Claims 1-4, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,418,554 (Delo et al.).

As per claim 1, *Delo et al.* discloses:

associating an executable file from a shared resource on a network with a remote client at the direction of an administrator console on the network, the executable file being adapted for controlling a local setup procedure under the form of a low level service which is available in the operating system of the client for local background tasks and routines and further being associated with a description contained within a description file present on the shared resource (see, for example, col. 6, lines 31-55; col. 8, lines 41-59; and col. 15, lines 27-48); and

starting said executable file so that it becomes available to said remote client as a local low level service and permits the automatic launching of a local setup procedure in accordance with the contents of said description file (see, for example, col. 8, lines 41-59; col. 15, lines 27-48; and col. 17, lines 30-33).

As per claim 2, *Delo et al.* discloses:

associating an executable file from a shared resource on a LAN with a remote PC client at the direction of an administrator console on the LAN, the executable file being adapted for controlling a local setup procedure under the control of an operating system service control manager and in accordance with a description contained within a description file present on the shared resource, said executable file receiving the format of an operating system service (see, for example, col. 6, lines 31-55; and col. 15, lines 27-48); and

starting said executable file so that it becomes available to said PC client as an operating system service and permits the launching of a local setup procedure within said PC client in accordance with the contents of said description file (see, for example, col. 15, lines 27-48; and col. 17, lines 30-33).

As per claims 3, *Delo et al.* further discloses said executable file having an entry point which is a service entry and which is further registered by said operating system service control manager with a command line option which refers to said description file (see, for example, col. 17, lines 30-33).

As per claim 4, *Delo et al.* further discloses said description file containing a list of the installation files required for a local setup procedure plus an additional line defining the command which is to be entered for executing an unattended setup procedure of said software application (see, for example, col. 17, lines 30-33; see further, the discussion of the Windows installer (MSI) APIs, beginning in col. 17, line 41).

As per claim 8, *Delo et al.* discloses:

associating an executable file from a shared resource on a network at the direction of an administrator console as an operating system service under the control of an operating system service control manager with a PC client, said executable file controlling the local setup procedure of a software application in unattended mode in accordance with a description defined

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by a description file present on said shared resource (see, for example, col. 6, lines 31-55; and col. 15, lines 27-48); and

starting said executable file as an operating system service for the purpose of launching the setup procedure within said PC client (see, for example, col. 15, lines 27-48; and col. 17, lines 30-33).

As per claim 9, *Delo et al.* discloses:

associating an executable file from shared resources at the direction of an administrator console, said executable file installed as an operating system service under the control of an operating system service control manager with a PC client (see, for example, col. 6, lines 31-55; and col. 15, lines 27-48); and

starting said installed service for the purpose of automatically triggering the execution of said executable file (see, for example, col. 15, lines 27-48; and col. 17, lines 30-33).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Delo et al.* in view of US 5,742,286 (Kung et al.).

As per claim 5, *Delo et al.* fails to expressly disclose a GUI for providing a list of software applications and a list of clients, with a drag-and-drop mechanism for initiating a

remote setup procedure. However, *Kung et al.* teaches such a GUI and corresponding functionality in a remote setup environment (see, for example, Figs. 2A-2J, and the associated text). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the process of *Delo et al.* to include such a GUI. One would be motivated to do so to facilitate easier management of such remote installation procedures.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Delo et al.* in view of US 5,742,286 (Kung et al.) and US 5,881,236 (Dickey).

As per claim 6, *Delo et al.* fails to expressly disclose such prompting the user for context information along with password and ID verification. However, *Dickey* teaches such prompting and verification steps (see, for example, Figs. 3-8, and the associated text). Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to further modify the process of *Delo et al.* to include such prompting and verification. One would be motivated to do so to provide additional security in remote installation.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Delo et al.* in view of admitted prior art.

As per claim 7, although *Delo et al.* fails to expressly disclose such use of a wake-on-LAN function, such functionality is admitted prior art. Therefore, it would have been obvious to one of ordinary skill in the computer art at the time the invention was made to modify the

process of *Delo et al.* to include such a wake-on-LAN function as an advantageous known means of modifying a client PC.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (571) 272-3699. The Examiner can normally be reached on Tue. - Fri., 7:00 am - 4:30 pm. The Examiner can also be reached on alternate Mondays.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature should be directed to the TC 2100 Group receptionist: 571-272-2100.

EBK/EBK
July 18, 2006



TUAN DAM
SUPERVISORY PATENT EXAMINER